

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
MUNICIPAL ENTITLEMENTS**

FINAL FINDING AND DECISION

Conveyance of State Land Under AS 29.65
and
Amendment to the Northern Southeast Area Plan

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| HAINES BOROUGH MUNICIPAL LAND ENTITLEMENT SELECTIONS ADL 108105 |
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This Final Finding and Decision (FFD or decision) supplements the Preliminary Decision (PD) issued on October 31, 2017 for the proposed actions, which is incorporated herein, except as modified or clarified by this FFD. The attached maps to this FFD depict the Haines Borough (borough) selections that are the focus of this decision.

I. RECOMMENDED ACTION

The State of Alaska, Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Land Conveyance Section (LCS) finds in this FFD that Alternative 3 described in the PD is the preferred action since it best fits the intent and requirements of the Municipal Entitlement Act. This decision covers approximately 3,901.55 acres, approving 2,196.24 acres for conveyance and transfer of management authority, rejecting 315.81 acres, and postponing action on 1,389.5 acres.

Changes between the PD and the FFD are described below.

Approve for Conveyance Land Surrounding Native Allotment Application on Parcel 5

DNR proposed to reject conveyance of Parcel 5 in the PD because a large portion of the parcel is encumbered by a Native allotment application, AA 7923. At the borough's request, rather than reject conveyance of the entire parcel, DNR approves for conveyance the remaining land in Parcel 5 that is not encumbered by AA 7923, approximately 105.5 acres.

Postpone Action on Land Within Native Allotment Application on Parcel 5

Status of the Native allotment application AA 7923 has changed in the time since the borough selected this parcel. DNR declined to reconvey title of the subject land to the federal government, and the State is awaiting a decision that may release the land encumbered by AA 7923, which would clear the way for DNR to convey the land to the borough. Given this, rather than reject it in this decision, DNR will postpone action on conveyance of the land within AA 7923, approximately 114.5 acres, until this title issue has been resolved.

Changes to Public Waters Identified in PD

TABLE 1 below identifies public waters in the conveyance area, with additional waterbodies identified in this FFD that were not included in the PD (the list of navigable waters in the PD has not changed). These waterbodies are determined to be public waters under 11 AAC 51.035 and may or may not be anadromous. The beds of public waters will be conveyed with adjoining approved lands, subject to reserved access easements on the bed and along the water that extend 50 feet upland from the ordinary high water mark (OHWM), pursuant to 11 AAC 51.045 and AS 38.05.127 as they currently exist or as they may be amended prior to survey.

TABLE 1: PUBLIC WATERS

| Map No. | Parcel Name Parcel No. | Township, Range Section | Waterbody Name | Anadromous Waters Catalog # | Public Access Easement (to & along) |
|----------------|---|--|---------------------------|--|--|
| MAP 2 | William Henry Bay Parcel 2 | T36S, R61E Secs 21, 22, 28 | William Henry Creek | 115-10-10680 | 50 feet |
| MAP 3 | Uplands Adjacent to Lynn Islands Parcel 3 | T39S, R62E Sec 9 | Unnamed Lake | None | 50 feet |
| | | T39S, R62 E Secs 9, 10, 11 | Lynn Sisters Creek | 112-15-10420 | 50 feet |
| | | T39S, R62E Secs 10, 11 | North Sisters Creek | 112-15-10400 | 50 feet |
| | | T39S, R62E Sec 14, 15 | Unnamed Creek | 112-15-10425 | 50 feet |
| MAP 4 | Northeastern Excursion Inlet Parcel 4 | T40S, R61E Sec 6 | North Creek | 114-80-10400 | 50 feet |
| | Western Excursion Inlet Parcel 5 | T40S, R60E Secs 1, 2 | North Creek | 114-80-10400 | 50 feet |
| | Central Excursion Inlet Parcel 6 | T40S, R61E Sec 7 | South Creek | none | 50 feet |
| | Central Excursion Inlet Parcel 6 | T40S, R61E Sec 7 | Neva Creek | 114-80- 10450-2004 | 50 feet |
| | Central Excursion Inlet Parcel 6 | T40S, R61E Sec 7 | Unnamed creek | 114-80- 10450-2004- 3008 | 50 feet |
| | South Excursion Inlet Parcel 7 | T40S, R61E Sec 18 | Unnamed creek | 114-80- 10450-2004- 3008 | 50 feet |
| | South Excursion Inlet Parcel 7 | T40S, R61E Sec 18 | Neva Creek | 114-80- 10450-2004 | 50 feet |
| | South Excursion Inlet Parcel 7 | T40S, R61E Sec 18 | Unnamed creek | 114-80- 10450-2004- 3010 | 50 feet |

II. AUTHORITY

The authority for conveyance of state land is pursuant to AS 29.65 and the authority for the Final Finding and Decision is pursuant to AS 38.05.035(e).

III. PUBLIC NOTICE

DNR provided public notice pursuant under AS 38.05.945. The notice for the PD was published on the Alaska Online Public Notice System at: <http://dnr.alaska.gov/commis/pic/pubnotfrm.htm> and on the State Municipal Entitlement site at: <http://dnr.alaska.gov/mlw/muni/> on October 31, 2017. The PD and associated maps were attachments to the public notice and comments were to be received on or before November 29, 2017 to ensure consideration.

The public notice was also mailed to Postmasters with a request to post at Post Offices in the City of Haines. Additionally, the notice was sent to the Haines Borough, adjacent landowners, Southeast Soil & Water Conservation District, and regional and tribal entities in the area of the proposed land transfer.

IV. DNR RESPONSE TO COMMENTS

The following are summarized comments on the PD, and DNR's response.

Comments from Haines Borough

COMMENT #1: The borough would like a better understanding of the timeline for lifting Public Land Order (PLO) 5603, and when the parcels at Lynn Canal would be available for the borough's selection once conveyed to the State. The borough asked whether it was wise to wait until these parcels are available for selection or better to select other parcels currently available, instead.

DNR RESPONSE #1: The State has requested conveyance of this land, but the federal Bureau of Land Management (BLM) controls when and if it is conveyed to the state. DNR cannot determine or estimate a timeline for BLM to lift PLOs and transfer land from federal to state ownership. Given this uncertainty, it may be to the borough's advantage to select other parcels. DNR consulted with the borough about changing the recommendation in this decision from postponing action on these parcels to rejecting them, so that the borough may select additional available land as provided in AS 29.65.040(c). However, the borough has indicated its preference for these parcels to remain in "postponed" status until such a time as the PLO may be lifted, and the land subsequently transferred to the State.

COMMENT #2: The borough agrees with the conveyance of approximately 2,091 acres contained in Parcels 3 (Uplands adjacent to Lynn Islands), 4 (Northeast Excursion Inlet), 6 (Central Excursion Inlet) and 7 (South Excursion Inlet), and agrees with the need to revise the Northern Southeast Area Plan (NSEAP) to allow conveyance of Parcel 3.

DNR RESPONSE #2: Acknowledged.

COMMENT #3: The borough agrees with DNR's intent to withhold conveyance of the land encumbered by a Native allotment application located in Parcel 5 (Western Excursion Inlet), but requests that DNR convey the remaining land surrounding the proposed allotment to the borough.

DNR RESPONSE #3: DNR agrees, based on the borough's request, to convey the land in Parcel 5 surrounding Native allotment application AA7923 in this decision. Further, DNR will postpone rather than reject conveyance of the land within the proposed allotment to the borough. DNR declined BLM's request for reconveyance of the parcel to the federal government, and a BLM decision to release the land to the state is pending. After this occurs, the parcel may be considered for conveyance to the borough in a future decision.

COMMENT #4: The borough contests the preliminary decision to deny conveyance of Parcel 2 (William Henry Bay). The borough asserts it is "entitled to it by law" and claims it is unreasonable to withhold conveyance because the parcel is mineralized. DNR should convey with conditions.

DNR RESPONSE #4: Per AS 29.65.010(a)(15), the borough is entitled to 3,167 acres of available Vacant, Unappropriated and Unreserved (VUU) general grant state land within its boundaries. The borough is not entitled to any particular parcel so described; the borough may select such parcels, but the actual conveyance must be approved in a decision by the director. DNR may disapprove a conveyance only upon a finding that the public interest in retaining state ownership in the land outweighs the municipality's interest in obtaining the land [see AS 29.65.050(c)]. The adjudication process for this decision included extensive agency review and field investigations, which indicated that the mineral values of this parcel are significant and that the land should have been classified as Mineral Land in the area plan, which is eligible for conveyance. Nevertheless, the Municipal Land Entitlement statute allows the director to render a decision that disapproves a selection based on an evaluation of the public interest, regardless of the parcel's surface classification or VUU status. For

the reasons stated in the PD, DNR's file, and here, the director has determined that the State's interest in retaining the parcel outweighs the borough's interest in obtaining it in this case. While mineralization was significant to this determination because the municipal entitlement statutes contemplate retention of mineral lands in state ownership, other factors were also considered. Because the parcel is isolated and the surrounding land is not state owned, this further complicates access to the parcel, and heightens the potential for conflict with development of the mineral estate if the surface is conveyed out of state ownership. The State's interest in retaining this parcel outweighs the borough's interest in obtaining it because continued state ownership allows for mineral estate development without conflict with surface uses by the borough. This is consistent with the evidence that this parcel should not have been classified for conveyance in the first instance because of its mineral potential.

COMMENT #5: The borough contends that DNR previously indicated it would convey the William Henry Bay parcel to the borough.

DNR RESPONSE #5: DNR cannot agree to or indicate that it will dispose of state land without public notice and the necessary findings required by law. DNR has not issued any decisions regarding conveyance of the land selections in ADL 108105. The preliminary decision dated October 31, 2017 is the only decision issued to date for this case.

Comments from Mr. Bill Thomas

COMMENT #6: Mr. Bill Thomas submitted timely comments in support of the Haines Borough's comments. As a former legislator, Representative Thomas was the prime sponsor of legislation to allow Haines Borough to select additional lands in 2010. He asks to be informed during this conveyance process of available land for selection.

DNR RESPONSE #6: DNR has provided information regarding lands available for selection to the Haines Borough. If the borough makes additional selections to fulfill its remaining entitlement, DNR will adjudicate these additional selections in a separate decision.

Comments from Mr. Steve Winker

COMMENT #7: DNR errs in its response to Alaska Department of Fish and Game (ADFG) 2012 agency review comments by not retaining in state ownership all anadromous streams and up to 300 foot-wide buffers along them. Previous municipal conveyance decisions in southeast Alaska have included such stream buffers.

DNR RESPONSE #7: ADFG requested up to 300 foot-wide buffers along all anadromous waterways in their 2012 comments, based on management recommendations found in the Northern Southeast Area Plan (NSEAP), October 2002. In his comments Mr. Winker claims these riparian buffers are required in the NSEAP, but the plan specifies that buffers "should" be retained (rather than "shall" be retained), which allows managers to use discretion in deciding whether circumstances justify deviations from certain conditions (see page A-12, NSEAP). Further, the State's management intent that certain state lands covered by the area plan should have riparian buffers, does not, by itself, require or necessarily support a finding that the State's interest in retaining the land outweighs the borough's interest in obtaining it. While such buffers have been imposed in previous municipal entitlement decisions, DNR discontinued this practice except for reservations or conditions as may be required by law. Reservations required by law include section line easements under AS 19.10.010, and to-and-along and access easements under AS 38.05.127 and 11 AAC 51.045. Based upon a determination at the time of survey, the beds of navigable waters will be retained in state ownership, and the beds of public waters will be conveyed to the borough, subject to an access easement on the bed pursuant to 11 AAC 51.045(e), and an access easement along waterways under AS 38.05.127.

As further rationale for retaining stream buffers, Mr. Winker cites AS 38.04.015, which identifies the primary public interests in retaining areas of land in public ownership. However, since this land will be conveyed to a public entity, the Haines Borough, the intent of AS 38.04.015 has been met with this conveyance. Further, AS 38.04.015 is a statement of public interests to consider when determining whether land should be retained in public ownership. Nothing in that statute requires land to be retained in public ownership. Nevertheless, as stated above, a conveyance of land to the borough is a conveyance to a public entity. Mr. Winker also cites AS 29.65.050(c), which states the director may issue patents with conditions. Contrary to statements in the preliminary decision, DNR acknowledges its ability to approve a selection subject to stipulations, conditions, or covenants under the circumstances described in AS 29.65.050(c). However, in this case, the director did not determine that the public's interest in retaining buffer areas along all anadromous streams outweighed the borough's interest in obtaining that land free of such condition. To the contrary, the director determined that retaining riparian buffers would be contrary to the intent of the Municipal Entitlement Act by limiting the borough's ability to fulfill its entitlement and significantly increase the cost. See the analysis in the preliminary decision. While ADFG commented that current borough codes are not sufficient to adequately protect important riparian fish habitat, it did not provide specific examples of harms that could be expected to occur under borough management without such a buffer, and it did not show that the borough was likely to manage the land in a way that is adverse to fish habitat.

Regarding Mr. Winker's assertion that DNR errs in its response to ADFG's comments in the PD, DNR has received no communication from ADFG to this effect.

COMMENT #8: Mr. Winker suggests the Haines Borough select lands in Haines State Forest Resource Management Area as provided in AS 41.15.315(d), rather than land it has selected within 300 feet of anadromous streams.

DNR RESPONSE #8: This decision is to adjudicate the proposed conveyance of parcels selected by Haines Borough under ADL 108105. AS 29.65 directs the borough to make its selections from available state general grant, VUU lands within the borough boundary. The borough did not select lands in the Haines State Forest, and the State may not require the borough to select particular available land or substitute different land for the borough's selections.

COMMENT #9: Reservation of a public access easement under AS 38.05.127 fails to protect the public interest in maintaining important riparian fish habitat along anadromous streams. Mr. Winker maintains these public access easements can be "fairly easily" vacated.

DNR RESPONSE #9: Easements reserved under AS 38.05.127 are for access and, although their existence may offer some protections for fish habitat, which is not their statutory purpose. Further, any vacation of these public access easements will require an analysis of the facts and circumstances associated with the request to vacate. Condition #5 on page 22 of the preliminary decision states: "Management authority for public access easements is transferred to the Haines Borough once the FFD becomes effective. No such easements may be vacated, abandoned or otherwise extinguished or rendered incapable of reasonable use by the public without approval of the State of Alaska, unless an alternative means for reasonable public access is provided and approved by the state." This is a requirement of law, and the State's decision process on any application to vacate public access easements requires it to make a decision based on facts existing and presented to it at the time of an application. It is not appropriate to speculate about the State's decision process for easement vacations when there is no pending request for vacation.

COMMENT #10: DNR did not identify areas to restrict development in hazardous locations and avalanche zones in this decision, per AS 38.04.015.

DNR RESPONSE #10: Any recommendations to regulate activities on state land in hazardous locations are addressed in the planning process. The lands adjudicated in this decision are

appropriately classified for conveyance to the borough and, if conveyed, the borough is responsible for determining land use restrictions, if any.

COMMENT #11: DNR should guide location of development away from anadromous streams to minimize public costs and maximize social and economic benefits.

DNR RESPONSE #11: Under AS 29.65, a municipality is entitled to make selections from available VUU lands within its boundary. The State does not have discretion to withhold land from the selection process if it is eligible for selection, and the State also may not require the borough to select particular available land. DNR may disapprove a selection only upon a determination that the public interest in retaining state ownership in the land outweighs the municipality's interest in obtaining the land [See AS 29.65.050(c)]. If land is conveyed, the borough will then be responsible for determining land use and development restrictions, if any.

COMMENT #12: DNR errs in its determination of public water and by requiring only a public access easement on the bed of those anadromous waters that it identifies.

DNR RESPONSE #12: DNR does not concur with Mr. Winker's assertion that under AS 38.05.965, all anadromous waters should be deemed navigable, and thus have the beds retained in state ownership. There is no requirement that all anadromous waters be deemed navigable for purposes of retaining the beds. Although AS 38.05.965 defines navigable water very broadly, it does not explicitly include all anadromous waters. Rather, waters that are "reasonably suitable for...habitat for fish and wildlife...or migration and spawning of fish in which there is a public interest" are included within the definition of "public water," not navigable water. There is no requirement that the State retain the beds of public water. Navigable and public waters are defined separately, and DNR must make reasonable distinctions between navigable and public water for purposes of land conveyances. The burden of surveying out land to be retained by the state will fall to the municipality, which likely makes the receipt of its municipal land entitlement uneconomical, contrary to the important public interest in fulfilling municipalities' land entitlements.

Regarding anadromous streams that were omitted from the PD, DMLW has amended the list of Public Waters from the PD to include Neva Creek and its tributaries, as detailed in Section II. While South Creek is identified as anadromous in the ADFG Anadromous Waters Catalog, the portion of the creek that extends into Parcel 6 is not anadromous.

The actual status of waterbodies identified as navigable or public is addressed on Page 22 of the PD, Conditions #2 and #3, restated below:

2. *As required under AS 38.05.127 and 11 AAC 51, the location of the OHWM of navigable waters, including any waters determined to be navigable in fact, will be determined at the time of survey to determine the specific area to be retained by the state.*
3. *As required under AS 38.05.127 and 11 AAC 51, the location of the MHWM and OHWM of public waters will be determined at the time of survey.*

Additionally, "navigable-in-fact" applies to tidally influenced waters.

This issue is further addressed in the PD on Page 9, which states: "At the time of survey, field work may find that a body of water or a waterway is different than identified in this decision. If this occurs, the results of the survey work will be reviewed further within DNR. If the field work is determined to be accurate, then the survey results will supersede the recommendation in this decision."

COMMENT #13: Conveyance of anadromous streams and adjacent riparian habitat for settlement and development does not conform to multiple use principles under AS 38.05.285 or the intent of the Alaska Constitution's common use clause.

DNR RESPONSE #13: Nothing in this FFD approves conveyance of any “anadromous streams.” Although the beds of some public, non-navigable waterbodies that are anadromous may be approved for conveyance, the conveyance of the beds (which are subject to an access easement) does not convey any right to the water covering those beds or the fish resources within the water, or prevent the common use of those resources. Alaska Statute 38.05.285 is a legislative recognition that disposals and use of state land must conform to the requirements of the Alaska Constitution. The statute does not prohibit disposals of state land, which are specifically contemplated by the Alaska Constitution, art. VIII, and the Alaska Land Act, AS 38.05. Nothing in the Alaska Land Act or the Alaska Constitution prevents the disposal of the beds of non-navigable anadromous waters or lands adjacent to anadromous waterbodies after appropriate findings, which have been made in this case.

V. DISCUSSION AND FINAL FINDING AND DECISION

Through this FFD, DNR determines that it is in the best interest of the State to convey approximately 2,196.24 acres of state land with management authority transferred to the borough upon the effective date of this decision (Table A). There are no overriding state interests in retaining these selections and the conveyance to the borough is consistent with the requirements for conveyance under AS 29.65.

Lands Approved For Conveyance

TABLE A lists those lands approved for conveyance, totaling 2,196.24 acres. The approved acreage was modified from the amount in the PD. The final determined acreage is a net chargeable acreage that will be credited towards the partial fulfillment of the Haines Borough municipal land entitlement. These lands are subject to the applicable conditions, restriction and reservations as listed in the PD and as modified in this FFD.

TABLE A

| Map No. | Parcel Name Parcel No. | MTR | Section and Legal Description | Acres |
|---------|--|-------------------|---|-----------------|
| MAP 3 | Uplands Adjacent to Lynn Islands Parcel 3 | CRM T39S, R62E | Sec 9: SE1/4SE1/4 | 1,418.83 |
| | | | Sec 10: All | |
| | | | Sec 11: Lot 2 | |
| | | | Sec 14: Fractional | |
| | | | Sec 15: N1/2N1/2, SE1/4NE1/4, NE1/4SE1/4 | |
| MAP 4 | Northeastern Excursion Inlet Parcel 4 | CRM T40S, R61E | Sec 6: Lots 1, 2, and 3 and the E1/2NW1/4, as shown on plat of survey accepted July 18, 1985. | 193.37 |
| MAP 4 | Western Excursion Inlet Parcel 5 | CRM T40S, R60E | Sec 1: NE1/4SE1/4, that portion of S1/2S1/2 that lies east of the west shore's OHWM of North Creek. | 105.5 |
| MAP 4 | Central Excursion Inlet Parcel 6 | CRM T40S, R61E | Tract O ASLS 95-35 | 196.23 |
| MAP 4 | South Excursion Inlet Parcel 7 | CRM T40S, R61E | Tract P ASLS 95-35 | 282.31 |
| | | | Sec 19: Lot 1 | |
| | | | TOTAL APPROXIMATE ACRES | 2,196.24 |

Lands Rejected

This decision rejects the conveyance of approximately 315.81 acres (Table B) because a significant public interest exists that warrants retaining the land in state ownership, which overrides the borough's interest in obtaining the land, as described in the PD and this FFD.

TABLE B

| Map No. | Parcel Name Parcel No. | MTR | Section and Legal Description | Acres |
|---------|-------------------------------|-------------------|--------------------------------|---------------|
| MAP 2 | William Henry Bay Parcel 2 | CRM T36S, R61E | Tract A | 315.81 |
| | | | TOTAL APPROXIMATE ACRES | 315.81 |

Lands Postponed

DNR postpones action on land within Parcel 5 that is the subject of a Native allotment application, and on Parcels 1, 8 and 9 in the Lynn Canal area that are affected by PLO 5603, totaling approximately 1,389.5 acres (Table C).

TABLE C

| Map No. | Parcel Name Parcel No. | MTR | Section and Legal Description | Acres |
|---------|--|-------------------|--|----------------|
| MAP 1 | Katzechin River Parcel 1 | CRM T31S, R60E | Sec 3: All lying west of the west shore's OHWM of Katzechin River | 615 |
| | | | Sec 4: All | |
| | | | Sec 9: All | |
| | | | Sec 10: All lying west of the west shore's OHWM of Katzechin River | |
| MAP 1 | Chilkoot Inlet North East Lynn Canal Parcel 8 | CRM T31S, R60E | Sec 14: All within W1/2 | 400 |
| | | | Sec 15: All within E1/2 | |
| MAP 1 | Chilkoot Inlet South East Lynn Canal Parcel 9 | CRM T31S, R60E | Sec 25: All within S1/2SW1/4 | 260 |
| | | | Sec 26: All within S1/2SE1/4 | |
| | | | Sec 35: All within E1/2NE1/4 | |
| | | | Sec 36: All within NW1/4 | |
| MAP 4 | Western Excursion Inlet Parcel 5 | CRM T40S, R60E | Sec 1: Land within Native allotment application AA7923, as shown on Protraction Diagram No. CR12-5 officially filed 3/24/1980. | 114.5 |
| | | | Sec 2: Land within Native allotment application AA7923, as shown on Protraction Diagram No. CR12-5 officially filed 3/24/1980. | |
| | | | TOTAL APPROXIMATE ACRES | 1,389.5 |

The following are the findings relative to this decision. For the reasons stated in the preliminary decision and in this final finding and decision, DNR finds that:

1. It is appropriate to convey approximately 2,196.24 acres of state land to Haines Borough. The State's interest in retaining these lands does not outweigh the borough's interest in obtaining them.
2. It is appropriate to reject approximately 315.81 acres of borough selected land because the State's interest in retaining these lands outweighs the borough's interest in obtaining them.
3. It is appropriate to postpone adjudication of approximately 1,389.5 acres of land until certain title issues have been resolved.
4. It is appropriate to amend the Northern Southeast Area Plan (2002) to revise the management intent in Management Unit H-30 to indicate a State Marine Park is no longer recommended, and state retention of this management unit is no longer required.


The findings presented above have been reviewed and considered. Public Notice has been accomplished in accordance with AS 38.05.945. The case files have been found to be complete and the requirements of all applicable statutes have been satisfied. DNR finds that it is in the best interest of the State to proceed with the conveyances identified in this FFD to the borough under the authority of AS 29.65 and reject certain borough land selections for those reasons identified in this decision.


Rachel Longacre, Section Chief
Land Conveyance Section

Aug. 13, 2020
Date


Martin Parsons, Director
Division of Mining, Land and Water

8/13/20
Date


Approved by:
Corri Feige, Commissioner
Department of Natural Resources

8/19/20
Date

for 

REQUEST FOR RECONSIDERATION PROCEDURE

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may request reconsideration, in accordance with 11 AAC 02. Any reconsideration request must be received within 20 calendar days after the date of issuance of this decision, as defined in 11 AAC 02.040(c) and (d), and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov.

If reconsideration is not requested by that date or the commissioner does not order reconsideration on her own motion, this decision goes into effect as a final order and decision on the 31st calendar day after issuance. Failure of the commissioner to act on a request for reconsideration within 31 calendar days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a) and (b).

ATTACHMENTS

Vicinity Map: Overview of land selections

MAP 1: Katzeihin River, Chilkoot Inlet North East Lynn Canal & South East Lynn Canal

MAP 2: William Henry Bay

MAP 3: Uplands Adjacent to Lynn Islands

MAP 4: Northeastern, Western, South & Central Excursion Inlet

Amendment to the Northern Southeast Area Plan

Vicinity Map
Haines Borough Selections
ADL 108105

Legend

- Haines Borough Boundary
- Haines Selections
- Borough Owned
- State TA or Patented
- Mental Health Trust
- Private Land
- Native Allotment
- Federal Land

Haines Borough
Boundary

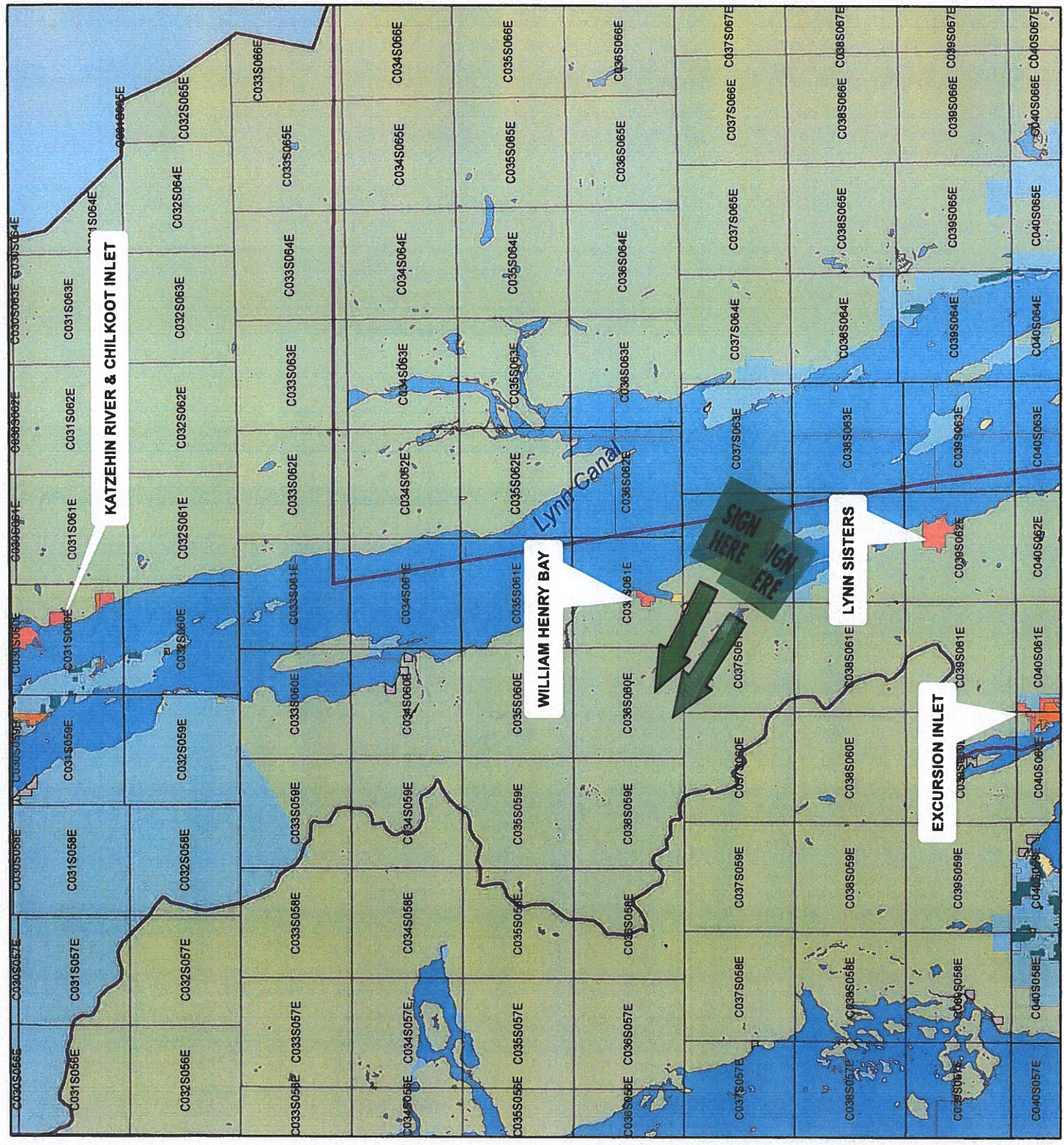


Alaska
Department of Natural Resources
Division of Mining, Land & Water
Resource Assessment & Development Section
Municipal Entitlement Unit



Revised:
8/22/2018
NAD 83
1,473,398

This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

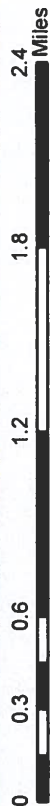
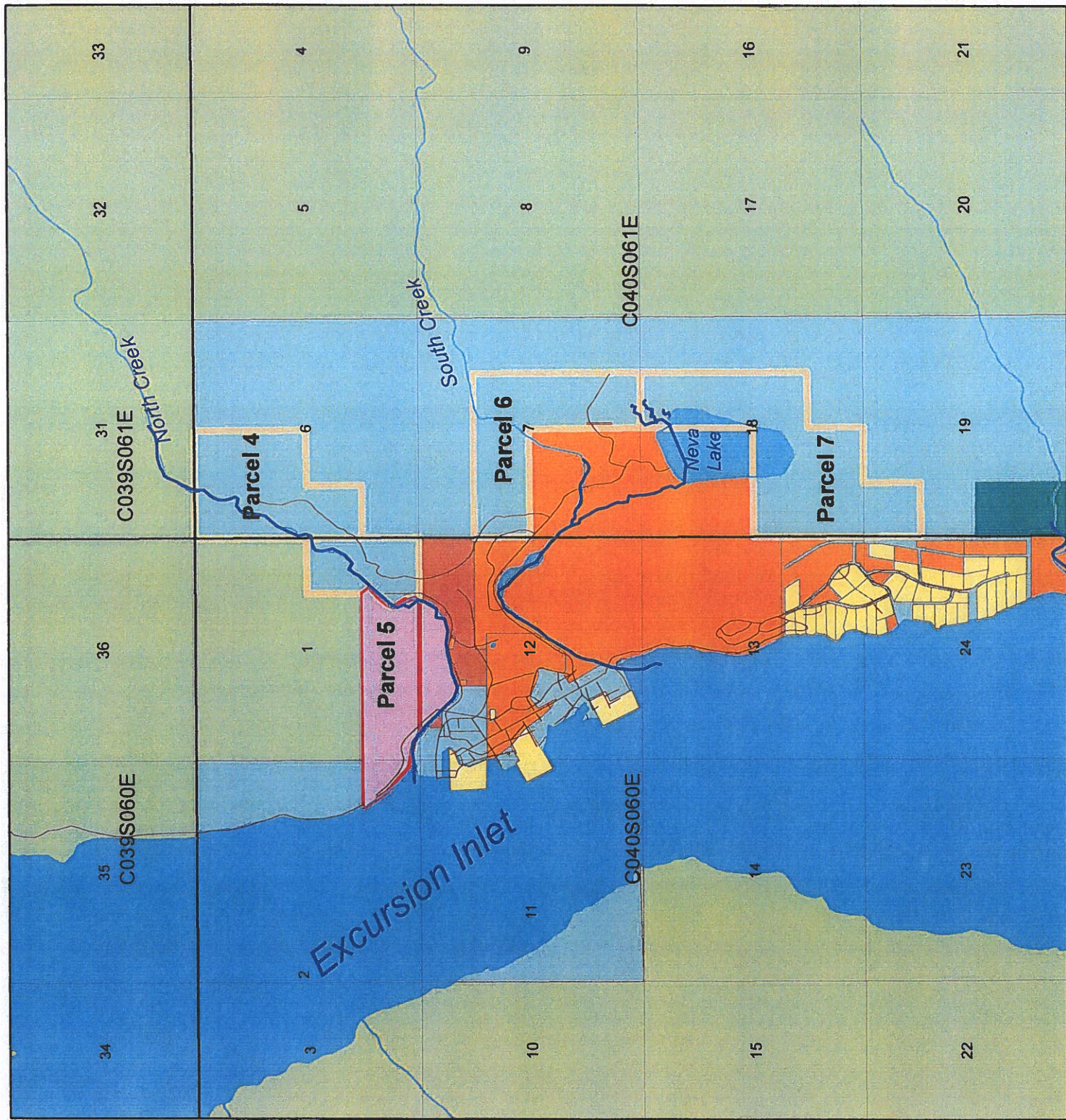
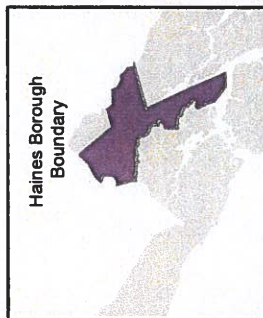


MAP 4
Haines Borough Selections
ADL 108105

Parcel 4 - Northeastern Excursion Inlet
Parcel 5 - Western Excursion Inlet
Parcel 6 - Central Excursion Inlet
Parcel 7 - South Excursion Inlet

Legend

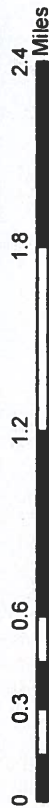
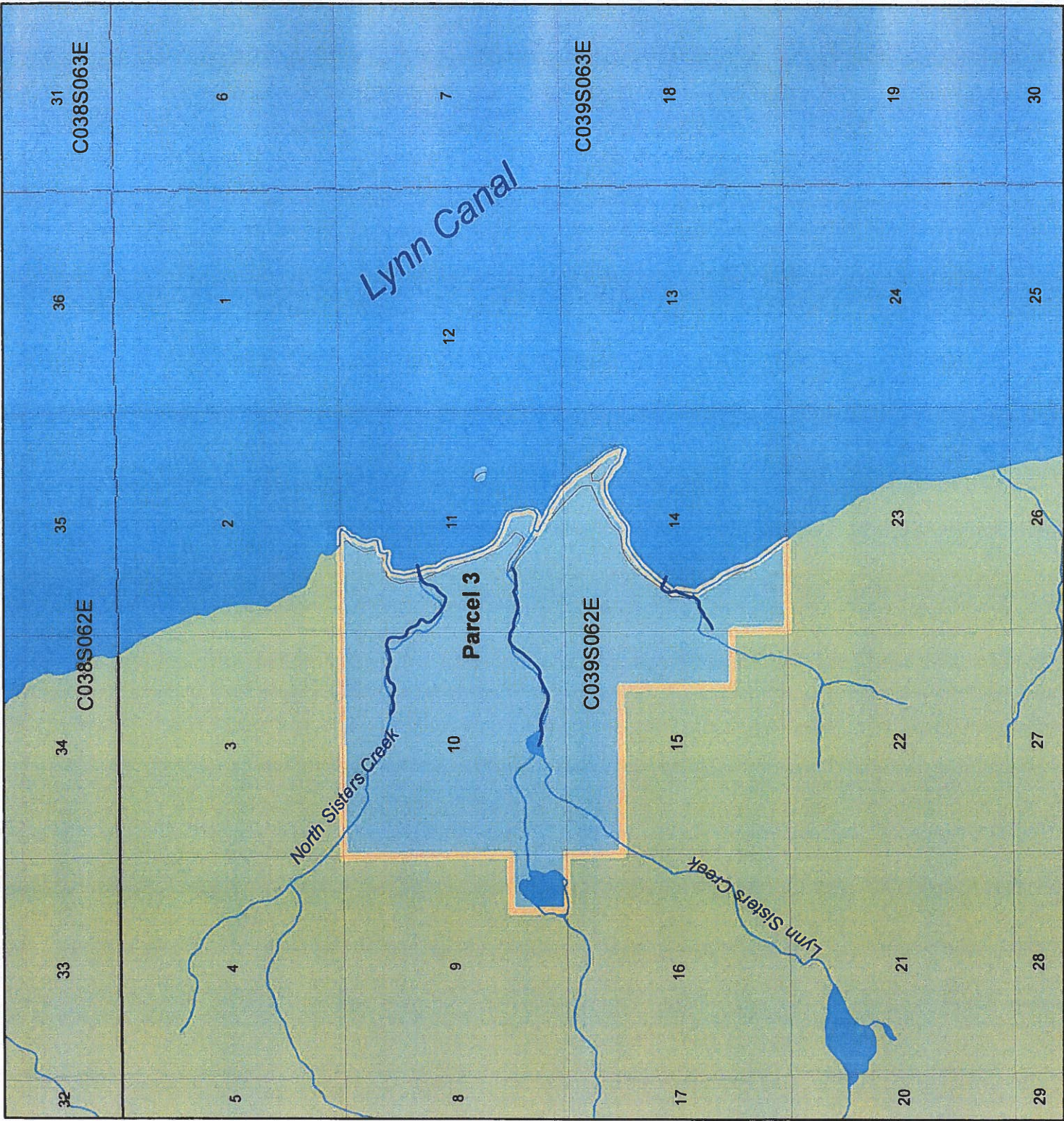
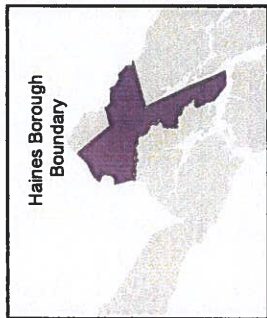
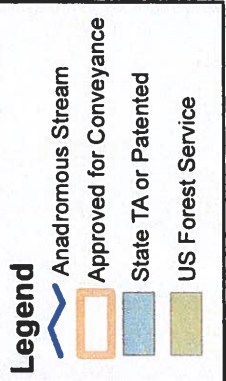
- Roads
- Anadromous Stream
- Approved for Conveyance
- Postponed Conveyance
- Borough Owned
- Borough Managed
- State TA or Patented
- Mental Health Trust
- Private Land
- Native Allotment
- US Forest Service



This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

MAP 3
Haines Borough Selections
ADL 108105

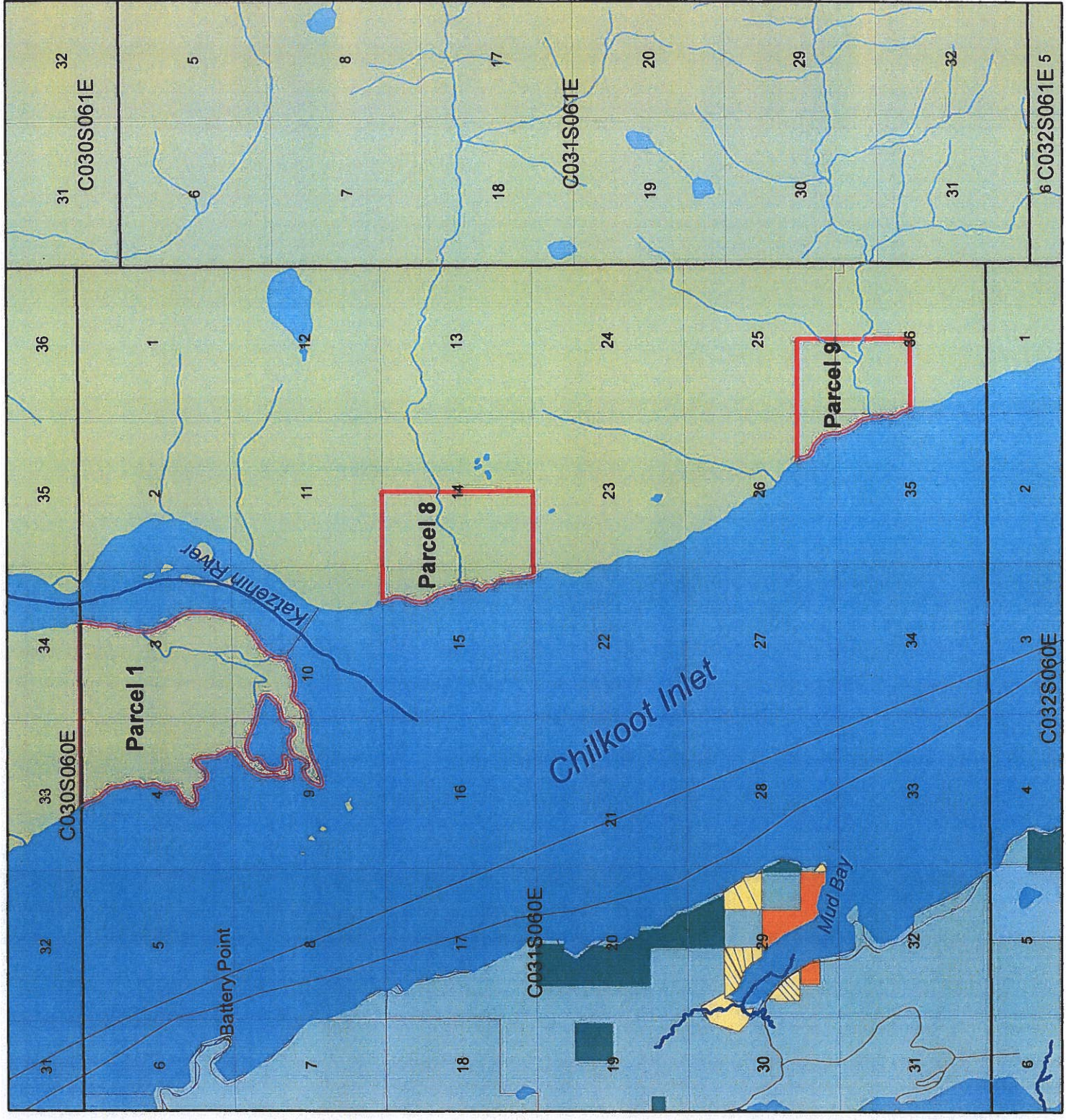
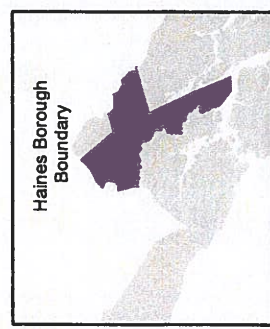
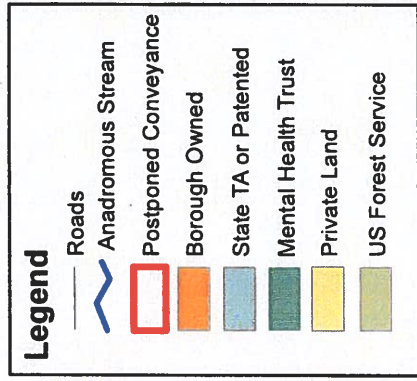
Parcel 3 - Lynn Sisters



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MAP 1
Haines Borough Selections
ADL 108105

Parcel 1 - Katzehin River
Parcel 8 - North Chilkoot Inlet
Parcel 9 - South Chilkoot Inlet








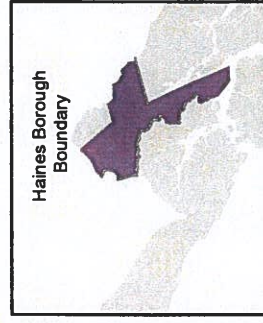
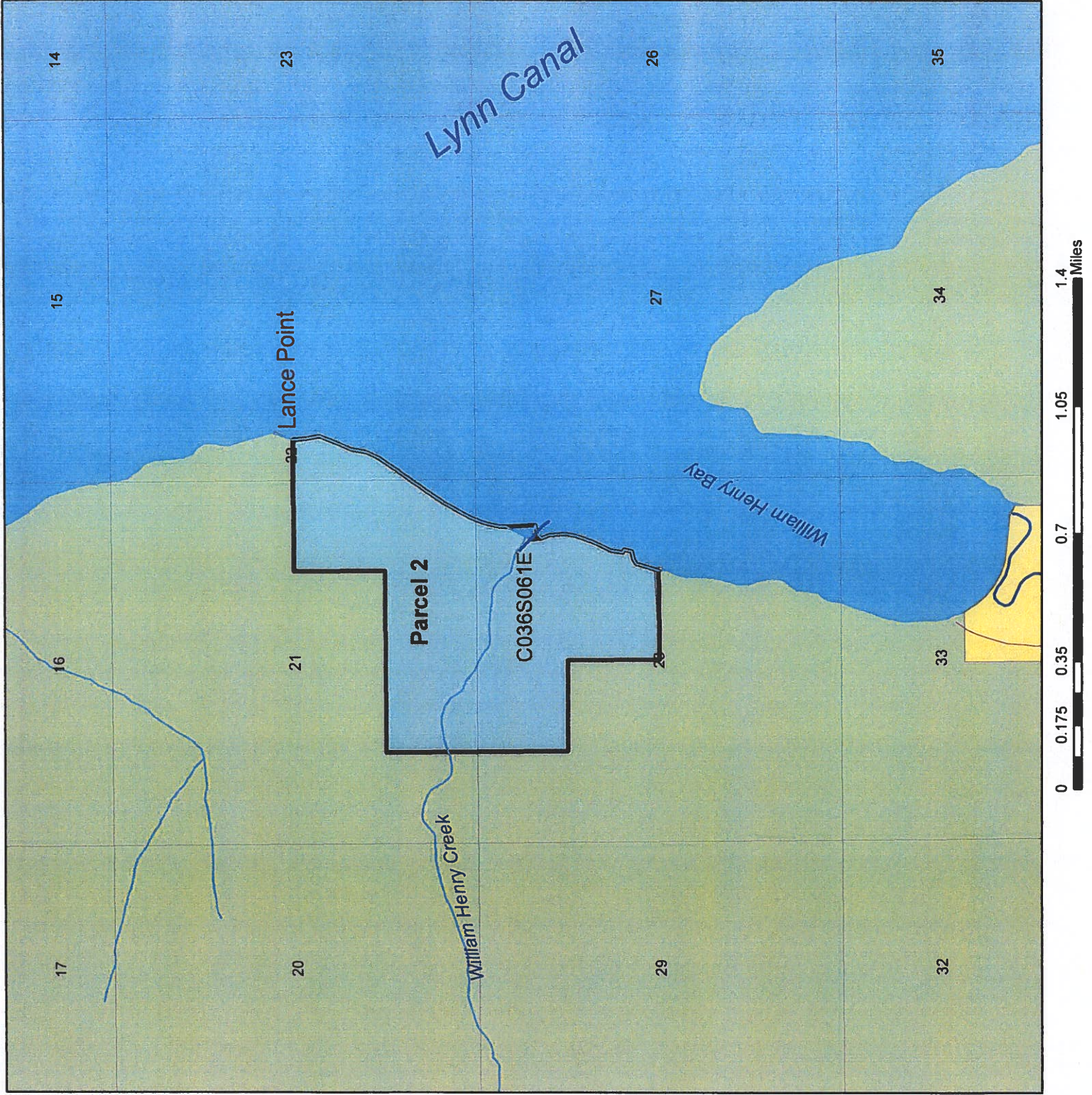
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MAP 2
Haines Borough Selections
ADL 108105

Parcel 2 - William Henry Bay

Legend

-  Anadromous Stream
-  Rejected from Conveyance
-  State TA or Patented
-  Private Land
-  U.S. Forest Service



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